IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

MACA.No. 1173 of 2007

OPMV.1696/2001 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL,KOTTAYAM
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APPELLANT : 3RD RESPONDENT

UNITED INDIA INSURANCE CO.LTD.,
DIVISIONAL OFFICE, OOPPOOTTIL BUILDING,
K.K.ROAD, KOTTAYAM.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS: PETITIONER AND RESPONDENTS 1 AND 2:
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1. P.MADHU, SAVITHRIYIL (ANDOOMADOM),
CHIRAKKADAVU, PONKUNNAM, NOW RESIDING AT
AMRUTHANJALI, LAKKATTOOR, KOOROPPADA.

2. NISHAR B.KASIM, BANGLAVUPARAMBIL HOUSE,
KANJIRAPALLY P.O., KOTTAYAM.

3. SURENDRA BABU @ BABU,
PAZHUKKAPARAMBIL HOUSE, NEAR VIZHIKKATHODU,
GOVT.V.H.S., CHENAPPADY, KANJIRAPALLY TALUK,
KOTTAYAM.

BY ADV. SRI.T.I.ABDUL SALAM

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No1173 of 2007

Dated: 10th October 2007

JUDGMENT

Radhakrishnan, J.

This appeal is preferred by the Insurance Company challenging the quantum of compensation claimed by the 'Tribunal. Accident is not disputed; so also the insurance coverage.

2. Counsel submitted that the amount of Rs 3 lakhs awarded by the Tribunal is on the higher side. We notice that the Tribunal had on facts found that the claimant is entitled to Rs 6,66,072/-, but restricted the amount to Rs 3 lakhs since that was the claim made by the claimant. We have noticed the nature of injuries sustained by the claimant. It is revealed from the certificates produced that he had sustained tripod fracture of left zygomatic maxillary complex and fracture involving anterior, postero lateral wall of maxillary antra, lateral wall of orbit, pterygoid plates, zygomatic arch and para alveolus both sides. Claimant had also sustained serious injuries on his left eye. Further it is stated that he has taken voluntary retirement. Taking into consideration all the aspects of the case we are not

prepared to say that the amount awarded is on the higher side. The appeal therefore lacks merits and the same is dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

10/10/2007
en/

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